1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

PROPERTY, INHERITANCE AND CONTRACT

421 Among settled peoples with fixed property and diversified economics the institutions of land tenure, disposition and inheritance, the treatment of chattels and the obligations of contract make up the better half of the material about which law centers. Or, as Professor Radcliffe-Brown writes, "With us one of the most important aspects of succession is the transmission of property by inheritance." But the study of Comanche practice offers little of note on this phase of the subject. For as Radcliffe-Brown continues, "Yet in some of the simplest societies this is a matter of almost no significance at all. In an Australian tribe, for example, a man possesses a few weapons, tools, utensils, and personal ornaments, things of little value or permanence. On his death some of them may be destroyed, others may be distributed among his relatives and friends. But their disposal is of so little importance, unless in relation to ritual, that it is often difficult to find any rules of customary procedure."[1]

If this statement had been written for the Comanches, it could scarcely have been more apt.

LAND TENURE

●423 The Comanches had no concept of land value. As herding hunters, land was a matter of unconcern for them, being held neither individually, jointly nor communally. One may merely speak of land as having been communally occupied. The possibility of dividing hunting grounds or seed patches by families as was donè among the northeastern Algonkians[2] was not considered, for as Schoolcraft wrote of the Comanches, "No dispute ever arises between the tribes (bands) with regard to their hunting grounds, the whole being held in common."[3] Within the tribe, therefore, land tenure was infertile soil for legal conflict. Trespass by persons of enemy tribes meant death, unless it was a woman whom they cared to take as a captive, or unless the warrior escaped by display of cunning or bravery. "Friendlies" could visit with impunity and partake of Comanche game without danger.

[648]

CHATTELS

422 Wealth for the Comanche centered largely in horses. The economics of horse ownership has been discussed above (pp. 14–15).

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[1] A. R. Radcliffe-Brown, *Patrilineal and Matrilineal Succession* (Iowa Law Review, Vol. XX), pp. 286 ff.

[2] F. G. Speck, *Family Hunting Territories* (Canadian Geological Survey, Memoir 70, 1915).

[3] Schoolcraft, *History of the Indian Tribes, etc.*, Vol. 2, p. 131.

Government and Law

Among settled peoples with fixed property and diversified economics, the institution of land tenure, the disposition and inheritance of property, the treatment of chattels, and the obligations of contract form the most important aspects of civil law. Yet among the Comanches these had almost no significance. The Comanches had no concept of land value. As herding hunters, land was a matter of unconcern for them, being held neither individually, jointly, nor communally. One may speak of their country as being merely communally occupied. There are no records of any disputes between the bands over hunting grounds. The external boundaries of the Comanchería were not firmly fixed, but vaguely felt. Allies and friends were welcome to hunt and visit, but other outsiders entered on peril of their lives.

Wealth for the Comanches centered largely in horses, as has already been shown; horses were individually owned by both men and women. They were acceptable as a medium of exchange and could be used as payment of obligations in damage suits. Women, too, might be listed in the category of chattel property—first of father and brother and later of husband. Dogs must also be included under the heading of private property. They abounded, but after the acquisition of the horse had little economic value or importance save as camp scavengers and sentries. The idea of liability for the acts of animals did not exist. There was no recompense for a dog bite; nor could damages be collected for injuries received from a kicking horse.

The Comanches owned a number of captives who were chattel property until adopted as brothers by their owners if they were boys or married by their captors if they were girls. There were a few personal slaves held by blood covenant by individual warriors. They were generally captives, Mexicans forming the bulk of the number. A blood ceremony, according to Josiah Gregg, was performed with blood taken from a vein on the back of the captive's hand or arm. The ceremony was repeated whenever ownership of the slave changed. The slave had the right of life, food, and protection, since no one dared molest the property of another, and the owner could sell or transfer him at any time to whomever he chose.[25] There are indications that the Comanches captured and sold slaves merely as articles

[25] Gregg, *op. cit.*, 434.

657 The early reservation days were largely times of turmoil and discontent. Rations were often scant and inferior, schools and hospital facilities were inadequate, and epi-
657 demics were rife. Cattle-men from Texas
648 grazed their stock on reservation lands without payment or permission, and altercations between the Indians and U. S. troops were
657 frequent. In 1879 the agent, Hunt, instructed that each family should be located on a piece of land on which they were to remain, and no Indian was allowed to leave the reservation without military escort—an in-
648 junction that was often disobeyed. Long before the Territory was opened to the flood of White settlers in 1901 the influx of prospectors, squatters, farmers, missionaries, traders, gamblers, liquor peddlers, adventurers, and squaw-men had begun.

657 Sheep were issued in 1877 and 1878, but
231 there was no sale for the wool and, the Indians were said to have disliked them so much that the idea had to be given up.
241 Farming was begun in 1879, but the Indians'
492 teams were too weak to break the heavy sod and the plowing had to be done by
464 Whites who continued to be hired as farmers. The first houses were built in 1877 and
361 ten years later a number of churches were
136 erected. By 1880 the buffalo were gone and cattle had replaced them on the ranges.
434 "Grass money", paid by Texas cattle-men for grazing privileges, was instituted in 1885 and provided the chief source of
625 tribal income. The Indian police were or-
692 ganized in 1877 and in 1886 an Indian court was established and functioned until 1900.
657 Earlier, in 1872, the first of a series of joint delegations of reservation Indians went to Washington.

648 The ratification in 1900 of the "Jerome
657 Agreement" between the United States government and the Apache, Kiowa, and
178 Comanche Indians marked the end of reservation life and ushered in the modern
648 period. Under its articles the Indians ceded
● 423 their claims to the land formerly known as Indian Territory except one tract called "the Big Pasture", and each man, woman,

and child was allotted 160 acres with sections set aside for schools and public institutions. The allotments were to be held in trust for 25 years after which time title was to go to the Indians unless the President extended the trust period. For relinquishing their rights the Indians were to receive two million dollars payable at some unspecified date in per capita payments of $500 each with 5 per cent interest paid annually. The lands were to be free from taxation and could not become subject to indebtedness during the trust period. Thus the Comanche became citizens under the allotment system and rations were withdrawn in 1901. Since these allotments were widely scattered and interspersed with White farms, the development of a tribal community was largely precluded and the process of acculturation thereby hastened.

In summary, the history of Comanche contacts with Western culture shows an early period of vacillating hostile and friendly relations, largely tangential in nature, with the Spanish, French, and Americans which lasted until about the middle of the nineteenth century. That date marked the end of Comanche tribal autonomy and ushered in a period of rapid cultural change. Another fifty years may see the old Comanche culture pass into the legendary as it already has for most of the younger persons today.

3.0. The Comanche language is a member of the far-flung Uto-Aztecan stock first set forth by Buschmann[32] and further delineated by Kroeber,[34] Sapir,[35] and Whorf.[36] Sapir

[32] Johann C. Buschmann, Spurend der Aztekischen Sprache im Norden, Abhandlungen der koeniglichen Akademie der Wissenschaften zu Berlin aus dem Jahre 1854 (Berlin, Germany, 1859).

[34] A. L. Kroeber, Shoshonean Dialects of California, UCPAAE, 4.65-165 (Berkeley, Calif., 1907), and Uto-Aztecan Languages of Mexico, Ibero-Americano, No. 8 (Berkeley, Calif., 1934).

[35] Edward Sapir, Southern Paiute and Nahuatl, a Study in Uto-Aztecan, Part I, JSAP, n.s., 10. 379-425; Part II, AA 17.98-120, 306-28 (1915), and continued in JSAP 11.443-88 (1914), (begun in 1913).

20: Wallace H-4,5 (1945) 1953 NO6 Comanche NO6

by one the chiefs were won over, and in 1892 a group of them signed the Jerome Agreement. The agreement provided for an allotment of 160 acres of land to each Indian, for a common tribal reserve of approximately one-half million acres, and for the opening of the remainder of the reservation to white settlers. The assignment of allotments was completed in 1901 and before the end of the next year thousands of white settlers had swarmed into the territory. But the "Boomers" were not satisfied with the partial opening, and in 1906 the remainder of the reserved lands were thrown open after the 517 Indian children born after allotments had been completed in 1901 had been granted their 160 acres each. Simultaneously, steps were being taken to obtain statehood, and in November of 1907 Oklahoma was formally proclaimed a state of the Union.[2]

Aside from annuities as provided by the treaty of Medicine Lodge, the economy of Comanche reservation society has been based on leases, wage labor, and agriculture. Money from leases provided the first significant revenue. It was enough to allow the government to reduce rations and to permit thrifty and ambitious Comanches the means for starting forth on the white man's road. Leases were of three kinds: permits to graze livestock on the common tribal lands, oil leases and the sale of royalties, and leases of individual allotments for agriculture.

The first grazing leases were made by Agent P. B. Hunt, who persuaded a group of cattlemen to contribute beeves in return for the privilege of grazing cattle on the reservation. The cattlemen had quickly spread their herds over the vast areas vacated by the Indians. Each year hundreds of thousands of head were driven to the northern markets. The Abilene Trail followed the eastern line of the Kiowa-Comanche Reservation; the Dodge City or Great Western Trail crossed its western extremity. By 1877 the Comanches

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2. This introduction is largely from Wallace and Hoebel, *op. cit.*; cf., R. N. Richardson, The Comanche Barrier to South Plains Settlement (Glendale, California, 1933), for an excellent account with a different approach.

20: Wallace H-4,5 (1945) 1953 NO6 Comanche NO6

After a prolonged controversy, Congress on June 6, 1900, enacted the Jerome Agreement into law, and on July 4, 1901, a presidential proclamation ordered its execution. For the surrendered lands the Indians were to be paid $2,000,000 in four equal installments whenever the Secretary of the Interior deemed it best for the Indians; the unpaid balance was to draw 5 per cent interest, the interest to be paid annually. The law set aside 480,000 acres for a reserve to be held in common by the tribes. On September 1, 1902, all except 60,000 acres of this reserve had been leased for grazing to the highest bidder at rates ranging from twenty-five cents to two dollars an acre, or for a total of $132,269.90 for the year.[7] This was approximately $36 for each Indian man, woman, and child on the reservation. When the reserve was opened to the "Boomers" in 1906, the Indians were left without any common tribal lands to lease.

The individual allotment lease for agricultural purposes replaced the lease of tribal lands held in common. From the first, this type of land rental has been an important factor in Comanche life. After allotments were assigned, each Indian, with agency approval, could lease his own land. From October 1, 1901, when individual leasing began, until September 1, 1902, the agency approved 443 individual agricultural leases.[8] White men who leased Indian private land for agricultural purposes were required to make certain improvements on it. Those leasing in 1910 for a term of five years were required to place on each allotment a three-room house, a well, and to fence the land. The three-year lessees were to fence the land and to make certain general repairs. All improvements were to remain on the land when the lease expired, and they became the property of the land owner.[9]

The wisdom of such a policy is not difficult to understand. The Comanches did not know how to build houses or to improve their farms. They had not yet learned the value of

7. Agent James F. Randlett, Annual Report, September 1, 1902, in Commissioner of Indian Affairs, Annual Report, 1902, pt. I, 290.

8. Ibid.

9. Superintendent Kiowa-Comanche Agency, Annual Report, September 1, 1910 (Oklahoma Historical Society Library, correspondence files).

20: Wallace H-4,5 (1945) 1953 NO6 Comanche NO6

money or the importance of judicious spending. Rental payments—and there were cash payments even after allowance for houses and improvements—were at first payable on January 1 and July 1. These dates corresponded with the dancing periods, and the Indians could not resist the temptation to squander the money in celebrations. Consequently, the agent changed the dates to April and November in hope that the spring payment would be used for seeds, feed, and subsistence and that the fall payment would be used for winter clothing.[10]

The total income from individual allotment leases for agriculture during the fiscal year 1944-45 for all Indians of the agency was approximately $500,000, of which the Comanches received about $200,000 as their share. Grazing leases that year brought the land owner from ten cents to one dollar an acre; cultivated land from seventy-five cents to five dollars. Lease contracts ranged from one to five years duration. More than 80 per cent of the Indian land was leased for agriculture in 1945, largely to white neighbors. Most of the 3,750 leases were on a cash rental basis, payable semi-annually.[11]

The Comanches have not always received full value for their land leases. Over exploitation has depleted the soil and destroyed the excellent native pastures. Lessees, having no assurance that they could renew their leases upon expiration, naturally sought to swell their own profits as much as possible. On the other hand, the Indians have benefited from this kind of rental system. Allotted lands have been fenced, wells dug, houses constructed, home furnishings purchased, barns built, and livestock acquired. To what extent this gain would have been made had there been no leasing for agriculture, it is impossible to judge. The individual allotment lease for agriculture, by bringing the Comanches into daily contact with the whites, caused the

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10. Superintendent J. A. Buntin, Annual Report: Narrative Section, 1940 (MS, Agency Office, Anadarko, Oklahoma). This is a comprehensive and valuable report, containing a great deal of statistical information and covering the years 1901 to 1940.

11. Superintendent W. B. McCown, Kiowa Jurisdiction, Program Kiowa Reservation, 1945 (MS, 28 pp., memo., copy in possession of author), pt. I, sec. II, 4; Kiowa-Comanche Agency Records, Land and Lease Division (Anadarko), June 14, 1945.

20: Wallace H-4,5 (1945 1953 NO6 Comanche NO6

Comanches to acquire American cultural patterns more readily than they would have otherwise.

The oil lease is a third type of land rental. It provided revenue from drilling permits and from royalties, production and sale. The Burkburnett strike in Texas, just across Red River from the Kiowa-Comanche Reservation, set off a great deal of oil activity. When the North Texas fields were expanded into the channel of Red River, a four-sided controversy developed over ownership of the south half of the bed of the river. Texas claimed to the middle of the stream; Oklahoma claimed to the south bank on the basis of the Adams-de Onis Treaty and that the southern half of the river passed to her when she entered the Union because it was a navigable stream; the United States maintained that the south half of the river was the property of the central government; and the three tribes of the Kiowa-Comanche Agency argued that the southern boundary of their reservation was the south bank of the Red River from the mouth of the North Fork on the west to the ninety-eighth meridian on the east. The Indians claimed the south half of the channel as a matter of equity, refused to accept as final the decision of the Supreme Court awarding the disputed area to the United States, and appealed their case to Congress. After five more years of controversy the question was satisfactorily settled in 1926. The Sixty-ninth Congress granted the three tribes 62½ per cent of all royalties from oil and gas taken from the south half of the river bed. The remaining 37½ per cent was to be paid to the state of Oklahoma in lieu of all state and local taxes due from such property and was to be credited to the public school fund.[12]

By the time Congress acted, the amount of the funds in dispute had accumulated to $1,200,000 approximately, and the Indians' 62½ per cent annual share from producing wells was about $100,000. But production in this area rapidly declined. Royalties from it in 1945 were less than $10,000.

12. United States Statutes at Large (Washington, 1927), XLIV, pt. II, 740-741; also see, Grant Foreman, "Red River and the Spanish Boundary in the United States Supreme Court," in Chronicles of Oklahoma, II (1924), 295-316.

24: Richardson H-4 (no date) 1929 NO6 Comanche NO6
(1854-1859) Texas

States Government failed to take into consideration many difficulties peculiar to the Texas Indian situation as well as the inherent characteristics of the plains tribes not found in the Indians of other regions.

Establishing the Reservation

The question of a permanent home for the Indians of Texas was often raised during the decade following annexation; but the problem was difficult to solve, especially since the state maintained that neither the Indians nor the United States had any property rights in the Texas public domain. Under the terms of annexation the state had shifted to the Federal Government the responsibility of managing the Indians but had retained her public lands. Thus, the savages were regarded as tenants at will and in its effort to keep them pacified the United States Indian service had to contend with the steady encroachment of the settlers.

Naturally the misery and poverty of the savages increased from year to year and the problem of restraining them grew proportionately greater. The following words are given as those of Ka-tem-e-see, a Southern Comanche chief:

> Over this vast country, where for centuries our ancesters roamed in undisputed possession, free and happy, what have we left? The game, our main dependence, is killed and driven off, and we are forced into the most sterile and barren portions of it to starve. We see nothing but extermination left us, and we await the result with stolid indifference. Give us a country we can call our own, where we may bury our people in quiet.[2]

East of the Comanches, along the valleys of the upper Brazos and Trinity rivers, were Caddo, Anadarko, Kichai, Haini, Tawakoni and other Indians whose condition was quite as desperate as that of the Comanches. Finally after one or more "location" bills had failed, the Legislature of Texas by an act of February 6, 1854, authorized the Federal Government to select not more than twelve leagues of land to be used for Indian reservations.[3] Captain Ran-

2. Horace Capron, United States Indian Agent in Texas, to Howard, September 30, 1858. Ms., in the University of Texas Library, photostat copies of papers in the United States Indian Office.

3. H. P. N. Gammel, Laws of Texas, III, 1495-1496.

32: Gilles O,X-3 (1902-c.1910) 1974
NO6 Comanche NO6
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ents were, the teachers continued to accent the differences between the parents' behavior and what would be expected of the children when they left school. Dinning this into the children's ears for a dozen years or so without further plans for the future, the teachers sent them back to these same parents. Pride of parentage, pride of tribe, pride of language had been either destroyed or so badly weakened and eroded that the young Indian had nothing to step from with confidence.

Instead of seeking to make a place for himself, aiding his parents and tribe by using his training and education, the Carlisle Indian moved into his parents' camp. There, without self-respect and certainly with no hope for betterment lying ahead, he contented himself with living on his meager Grass Money and what lease money his allotment brought in, when and if it was rented.

At that time an agriculture lease brought in only $1.25 per acre, or $200 per year. In addition to the $200, the government required the lessee, as further compensation over the first five-year period, to fence the allotment with a four-wire fence with posts every rod, to break out a certain number of acres of sod for crops, to build a fourteen by twenty-eight box house with a shingle roof, and to dig and wall up a well at least forty feet deep, unless plentiful water was found at a lesser depth. Grass leases brought even less.

Land along the streams had been chosen by the Comanches for their allotments, and this gave them a monopoly on water, wood, and bottomland. Those with land along West Cache and Post Oak creeks also had a fine grade of sand to sell. These 160-acre tracts, one for each man, woman, and child living on a certain date in 1901, were the remnant of the millions of acres these Indians' forefathers had roamed over and ruled for many, many centuries.

No one expected the old ones to change their ways so radically as to try to learn to farm. But it was beyond my boyish understanding why the younger Indians fresh from school, some even with college rating, didn't try farming. Many of them had first class sandy-loam bottomland. They could look around them and see white families making a living on their upland farms, putting out orchards, and even adding a room to their houses now and then.

I discovered in time that a number of the old fellows were really going out of their way to be nice to me, and in lost pup fashion I responded. I thought little of it at the time, and took these friendships in my stride. Maybe I thought of them as my due. It wasn't

32: Gilles O,X-3 (1902-c.1910) 1974
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one wife was purchased. Sisters often trained themselves so that they could be wives of the same man, one learning to be a good horsewoman and the other to be expert in the tanning of hides and making of clothes, one complementing the other, in the hope that they might be purchased at the same time and so remain together.

If, in due time, there came to be need of a third wife, the rule was that she be young and healthy, capable of taking over the burdens of the older women. When the young wife bore a baby for the camp there was rejoicing, not only by the husband but by the other wives as well. This was especially true if it was a boy baby. (This part appealed to me. Just think of a family life where they never ran out of babies!)

I never once saw an older wife scold or mistreat the child of another wife. In fact, I never saw a Comanche woman mistreat any woman's child. It was no uncommon sight to see one wife caring for the children, while the other wife or wives were working, say, at hauling up wood for the camp.

At the time when I knew them, the Comanches were still living strictly a camp life. Where it was possible, the Indian Department had fenced the family allotments all into one enclosure or pasture, using four strands of barbed wire and posts every rod. The department had also built each family a box house—in most instances measuring fourteen by twenty-eight feet, shingle-roofed, and set on a foundation of rock piers about four feet apart.

Obviously, a family consisting of the husband, two to three wives, and several children could not live in a space that small. For spring, summer, and fall use a family would construct a brush arbor. Forked posts were cut so as to be about seven or eight feet tall when the lower end was set in the ground. Poles were laid from one fork to another, and in turn numerous cross poles were laid on them. Then a thick layer of brush with leaves was piled on the cross poles. This layer was thick enough to repel the sun's heat and shed the water from a reasonable rain. From time to time, as they were needed, additional layers of brush were applied.

This arbor served as living quarters for the family the greater part of the year. Since the sides were left open, whatever breeze there was, from whichever direction it came, was utilized. Platforms, placed on forked sticks and about three feet from the ground, served as beds.

The cooking was done on an open fire, just below the bank of a

32: Gilles O,X-3 (1902-c.1910) 1974
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government and the several interested tribes, which finally resulted in the opening of the Comanche, Kiowa, and Caddo reservations to white homesteading. Many Indian leaders protested the agreement after their own interpreters had explained it to them. They maintained that Joshua Given (the same one mentioned in one of the letters to General Pratt at Carlisle), who was the son of the deceased Kiowa Chief Satank, had translated their demands to the commission inaccurately and had falsely represented what the written agreement contained.

In great rage, the Indian leaders made medicine to bring about Joshua Given's death, as well as the demise of the commissioners. Making an image to represent Given, they threw mud at it. The fatal seizure would take hold where the mud hit the image. The mud struck the image in the chest. On his way home from the council, Joshua Given was stricken by a hemorrhage from the lungs, and shortly thereafter he died.

When old Indians told this story, they had the members of the commission following the young Kiowa in death. At any rate, history bears the old ones out as to the untimely death of Joshua Given.

Some of the Indian leaders decided to take their grievance to their Great White Father in Washington. Choosing their own interpreter this time, they told their story to Grover Cleveland. President Cleveland assured them that their land would not be taken from them during his administration. Their trip delayed the opening of their land for homesteads for nine years. But in 1901 the Jerome Agreement was implemented. Each Indian then living was allowed an allotment of 160 acres. This represented the Indian's individual share of the once great empire, Comanchería. The white man got the rest.

When they had had such experiences, the older Indians were bound to have certain suspicions of Charley Ross, with his numerous white man's ways, white man's language, and friendships with white men. But he was devoted to the old fellows and had their respect. One symbol of the links he kept with them was the braids he wore, even though he wore a hat and his hair was scanty. I remember having thought of the braids as affected. But finally age and observation taught me better. The older Indians all wore their hair in braids, and these were the people he must stay close to so that he could help them.

He had other bonds with the old fellows besides his braids. He had a wife who spoke no English. He was fulfilling a Comanche tradition by caring for his wife's parents. Mrs. Ross's father, Mi-he-suah, lived

32: Gilles O,X-3 (1902-c.1910) 1974
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many of the Indians from gambling when they had money. But as long as blackjack and three-card monte were dealt by Indians, the money remained in the tribe.

The camp-out on the reservation was dear to the older Indians' hearts. It was a reminder of the wild tribal days after the late summer buffalo hunt—the feasting, visiting, storytelling, gambling, and horse racing. There was no buffalo meat; but they had learned to eat beef, and there was plenty of money to buy it. Likewise, they could indulge in other goodies they had acquired a taste for—and the whiskey peddler came with the darkness each evening.

Mostly the visitors came from faraway tribes—people who didn't have Grass Money payments. They seemed to be old fellows, warrior age. Here, there, and yonder, you would see two old fellows squatted or sitting with their backs against blackjack trees, facing each other and visiting in the sign language. You were sure they were reriding the old war trails.

There was another string to the licensed trader's fiddle. Once an Indian failed to pay his bill to an independent trader, his credit with that merchant was gone. When out of money, he had to trade with the licensed trader. These traders' prices ran a great deal higher, and most Indians wanted to keep out of their clutches.

I got over my scare once the store's money was safe in the bank, and I rode back to the reservation. My memory is that I had seen about all of the Indians owing large accounts, and I had only the odds and ends to clean up. I never saw the marshal again that afternoon. I rode in home, eighteen miles, that night, starting after dark. Perhaps I should add that most adults with sense, large merchants from Lawton and surrounding towns, and the moneylenders set up camp in the section line outside the reservation gate. There they could catch the Indians going and coming.

Some readers may read a different meaning into the word *reservation* than I have in mind in this story. I use it here in the sense of land held back, reserved from allotment and homesteading, when the area was opened for settlement in 1901. There were three of these tracts, containing two or three sections each. One was at Fort Sill, one at Anadarko, and one just southwest of Cache. There was a licensed trading store on each tract, and the land was the property of the Indians. Reservation was the name in general use for these areas. The

32: Gilles O,X-3 (1902-c.1910) 1974
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423 principal agent was at Anadarko, but for a time sub-agents were
657 maintained at both Fort Sill and Cache. One of Quanah Parker's daughters, Laura Neda, married A. C. Birdsong, an agent at Cache. The actual Comanche Reservation period ended in 1901, when the members of the tribe took individual allotments.

123 In 1907 I quit working at the store and went away to school. I visited my parents from time to time and often saw some of my Indian friends in town during these visits. But I never saw Wer-que-yah again until late in the fall of 1919. He farmed some of his Post Oak Creek bottomland and had grain for his beloved horses in the winter. The day I saw him, he was selling a wagonload of husked yellow corn. The Record Book shows that he died the following September. Peet-So survived him by twenty years.

123 Some years after his death, my mother told me of a visit he and
609 Peet-So made to her and Dad's home. He had heard of my marriage and that we had a boy baby. He was able to make Mother understand that they wanted to see a picture of my baby.

Mother invited them in. Wer-que-yah and Peet-so sat together, and Mother said they oohed and ahed as though it had been a picture of one of their own grandsons whom they had never seen. It was shortly after the noon hour, and, learning that they hadn't eaten, Mother prepared them a meal. After they left, she was unable to find the photo. Apparently they considered it a gift. They may even have asked for it.

609 About ten years ago I was told yet another story. Glenn Hagar, a druggist at Chattanooga, was the teller of the tale. His father's farm was near the Wer-que-yah home. On days when they were not needed on the farm, he and his older brother often went to the Indian's home and played with his younger sons.

There were trees to climb, Post Oak Creek to wade and swim in, fish to be caught, and cool, clear spring water to drink. There were none of these things on their father's prairie farm.

Mr. Hagar's father's people lived just west of the present town of Faxon. His father's half-sister became seriously ill with typhoid fever. There were serious doubts as to whether she would recover. One morning, while the parents were waiting for the doctor to arrive, Wer-que-yah drove into their yard.

Tying his team, he came to the house and asked about the little

32: Gilles O,X-3 (1902-c.1910) 1974
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000 Dr. McLain added little to the meager supply of facts. I believe he went out only two times. The wounds were all completely scabbed over, with so sign of infection, and he told the Indians he wouldn't be needed. He left them a supply of powdered calomel, with instruc-
[136] tions to use it freely to repel screwworm flies. This was something the Indians savvied, guarding against the screwworm fly. It had been their enemy for countless generations.

758 We mustn't neglect to give Albert's healthy body, and his ances-
tors, credit for his ready healing, the quick, strong knitting of his bones—plus the stoicism with which he lay there through the long hot
000 summer, letting nature take her course. (I took occasion, once, to congratulate a surgeon on the job he had done on my son's broken wrist. He replied that much of a surgeon's success depended on the patient. "Your son got a good wrist and arm because when I told him not to use it, he obeyed. Then when I told him to use it, though it hurt, he used it.")

758 Albert remained out of school when fall came, and about Thanks-
giving time he made his first trip to town horseback. I had been working out in the tent wareroom. Finishing my task, I returned to the storeroom and found Mother talking to Albert. Jim was standing there, face abeam, as Mother told Albert how well he looked.

His hair was long enough to cover the scalp scars, and his clothes covered the other marks of his accident. There was not a scar on face or hands. He was using all four of his limbs. His right leg was shorter, apparently, than the left, but for some time he limped on both legs.

000 By this time, much of the resentment over Jim's story had subsided. Most people took the story at Jim's value. Besides, they had things of greater interest with which to occupy themselves. But the over-curious, and those who had a "thing" about Indians in general, tried to create a feeling against the Indian family and against the cowboy Bone-setter who had saved the unfortunate boy's life.

177 Some people who didn't draw claims, and some who did, resented
the Comanches' having all the good bottomland along West Cache,
657 the water, and the timber. I think it would have helped if the gov-
● 423 ernment had called the land the Indians kept reserved land, instead
177 of allotments. This would have accented the fact that all the land had belonged to the Indians and that they had sold only such land to the government as they, the Indians, didn't wish to keep. The faultfinders

32: Gilles O,X-3 (1902-c.1910) 1974
NO6 Comanche NO6
Oklahoma

professed to feel it was all government land, of which the Indians were given the first pick. [177 157 423]

The meager description of the Bone-setter, compared to the detailed description of the horse he was riding, fed the flames of those who resented Indians and everything concerning them. They promptly accused Jim of laying a false scent. In number, sorrel horses are in the minority compared to other colors. The dissenters contended that while officers were hunting for a fugitive mounted on a tired sorrel horse, the hunted, on a fresh horse of a different color furnished by Jim, would escape.

Of course, there never was anything to indicate positively that the Bone-setter was a fugitive, nor did any representative of the law ever appear, hunting a mysterious cowboy. The fugitive idea was a product of minds wishing to believe the worst of anyone who gratuitously aided an Indian.

Some insisted that the mysterious Bone-setter hadn't left, but was being harbored by Jim. They wished to form a posse and make a search along West Cache Creek, on Jim's allotments, for the secretive cowboy's camp.

The wildest theory brought forward was the idea of the good Samaritan's having been done away with by one of Jim's squaws. This presumed that Albert regained partial consciousness about the time the Bone-setter finished his job and cried out in a delirium of pain. A nearby squaw used her butcher knife, the theory went, before Jim could rescue their benefactor.

To some, this explained the disappearance of the Bone-setter and the exactness of the description of the sorrel horse. The body could be disposed of in either of two ways. Stripped of its clothing, it could be weighted down in one of the deep holes along Cache Creek. There the garfish would soon dispose of the flesh, while an unbranded horse turned into Jim's herd would go unnoticed. Another suggestion had Jim stripping the body, tying it on a horse, and making a night trip into the Pasture Reserve. There the body could be left for the coyotes and buzzards to dispose of. (When the Pasture Reserve was opened in 1906 with a family on practically every quarter-section, a number of skeletons were found, one only about four miles from Chattanooga. A man named Richardson found it on his homestead. The writer went out the next morning, with the sheriff and county attorney, and helped gather up the bones.)

35: United States W-4 (no date) 1974
NO6 Comanche NO6
Oklahoma

COMANCHE TRIBE

Caddo, Comanche, Cotton, Grady, Kiowa, Tillman, and Washita Counties, OKLAHOMA
Tribal Headquarters: Anadarko, Oklahoma 73005

101

Federal Trust Area
Population: 3,300 (BIA 11/72)

657
161

LAND STATUS Total Area: 234,299.45 acres (three tribes) 657
Tribally Owned: 4,373.41 acres 423
Allotted: 229,926.04 acres
(Acreage by individual tribes is not available. Total includes all three tribes.)
Owned Jointly With the Kiowa and Apache Tribes of Oklahoma. (648)
This land is held in trust by the United States under the act of June 24, 1946.

HISTORY AND CULTURE

The Comanche are of the Shoshonean linguistic group. In 1719, they were mentioned as living in what is now western Kansas. Legends indicate that the Comanche may have had horses before the Spanish arrived. Where they obtained them is not known. The horse changed the Comanche's mode of living into a nomadic one. They made little agricultural use of the land and lived in easily transportable tepees. Long known as the finest horsemen of the plains, they had a reputation for courage in battle when facing great odds. They were traditionally hunters. Their diet consisted of game meat, berries, edible roots, but mainly the buffalo, whose skin the Comanche used for clothing, bedding, and shelter.

197 195 131 173 231 198 361 311 181 703 262

For nearly 2 centuries they were at war with the Spaniards in Mexico and raided Mexican settlements as far south as Durango and Zacatecas. Generally friendly to the Americans, they were bitter enemies of the Texans who had dispossessed them of their best hunting grounds. They waged relentless war against them for almost 40 years. Around 1795, they became close confederates of the Kiowa and also allied themselves with the Apache.

195 648

Several treaties were consummated between the United States and the Comanche Tribe between 1834 and 1875. In the treaty of 1867 the Comanche, along with their allies, the Kiowa and Apache Tribes, were assigned a tract of land in Oklahoma containing 2,968,893 acres. Individuals were allotted 160 acres each.

(657)